

**Chapter 13.50****REGULATION OF TREES**

(3518-12/01)

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**13.50.010 Definitions.** For the purpose of this Chapter, the following words and phrases shall have the meaning hereafter set forth unless a different meaning is clearly intended from the context in which such word or phrase is used. Any word or phrase not herein defined shall have the meaning attributed to it in ordinance usage. (3518-12/01)

- (a) "City" shall mean the City of Huntington Beach. (3518-12/01)
- (b) "Director" shall mean the Director of Public Works or his appointed designee, charged with enforcement of this Chapter. (3518-12/01)
- (c) "Park, Tree and Landscape Division" shall mean that division of the Department of Public Works charged with the administration of this Chapter. (3518-12/01)
- (d) "Parkway" shall mean that part of a street or highway lying between the property line and that portion of the street or highway customarily used for vehicular traffic. (3518-12/01)
- (e) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind. (3518-12/01)
- (f) "Public place" shall mean any place, including buildings, open to the public and owned, managed or controlled by the City of Huntington Beach. (3518-12/01)
- (g) "Standards" shall mean the Arboricultural and Landscape Specifications and Standards of Practice adopted by resolution of the City Council, and by reference made a part hereof as though set forth fully herein. (3518-12/01)
- (h) "Street" shall mean the entire width of every public way or right-of-way when any part thereof is open to the use of the public for purposes of vehicular and pedestrian traffic. (3518-12/01)

**13.50.020 Director--Duties and authority.** The Director shall have the authority and is hereby charged with the following duties: (3518-12/01)

- (a) To enforce the Arboricultural and Landscape Specifications and Standards of Practice, ("the Standards") as adopted by the City of Huntington Beach, a copy of which is on file in the Office of the City Clerk, governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets and other public places in the City, and shall direct, regulate, and control the planting, maintenance, and removal of all trees growing now or hereafter on streets or public places, to insure safety or preserve the aesthetics of such public places. (3518-12/01)
- (b) To supervise or inspect all work done under any permit issued in accordance with the provisions of this Chapter. (3518-12/01)
- (c) To formulate a Tree Management Plan. Such plan shall specify the species of tree to be planted on streets and other public places. From and after the effective date of such Tree Management Plan, and any amendments thereto, all tree planting shall conform to the Tree Management Plan and the Standards and any regulation or rule promulgated by the Director to implement the same. (3518-12/01)
- (d) To issue or deny permits for maintenance of trees in public places and to place reasonable conditions on the granting of permits in accordance with the provisions of this Chapter and the Tree Management Plan and the Standards. (3518-12/01)
- (e) The Director shall have the authority to promulgate rules and regulations and to amend or add to them, for the implementation of the Tree Management Plan and the Standards. When recommending species of trees, the Director shall consider environmental factors, and all existing and future utilities of an area or specific location. (3518-12/01)

**13.50.030 Director--Interference with.** No person shall interfere with, oppose or obstruct the Director or his agents or employees in the performance of his duties as provided in this Chapter. (3518-12/01)

**13.50.040 Permits required.** No person shall plant, spray, or maintain any tree on any street, parkway, or public place without first applying for and obtaining a permit from the City of Huntington Beach to do so. (3518-12/01)

**13.50.050 Applications.** Applications for original and renewal permits and for any amendments to any permit shall be filed with the Director and shall be signed by the applicant. Each application shall be submitted on a form prescribed by the Director and shall set forth the following information: (3518-12/01)

- (a) The true name, fictitious name, if any, home and business addresses and telephone numbers of applicant, and if same be a corporation, names and addresses of principal officers, or if a partnership, association or company doing business under a fictitious name, names of partners or persons comprising the partnership, association or company, and address of each. (3518-12/01)
- (b) Street number and exact location of place where applicant proposes to engage in the activity for which the permit is requested (where applicable, the route proposed for the activity shall be included). (3518-12/01)
- (c) The nature of the activity in which applicant proposes to engage. (3518-12/01)
- (d) Detailed information as to the method applicant proposes to employ in the proposed work or activity for which the permit is requested. (3518-12/01)

- (e) Brief description of the nature and number of pieces of equipment to be used in such proposed work or activity, and where applicable, types of chemicals or commercial sprays to be used. If a license of any kind is required for the work, a copy of the license must be supplied. (3518-12/01)
- (f) Evidence of insurance and bond information (if applicable) in accordance with the City of Huntington Beach standard insurance requirements. (3518-12/01)
- (g) Length of time for which permit is desired. (3518-12/01)
- (h) Any other information pertaining to the specific activity or work to be performed for which a permit is requested which may be required by the Director. (3518-12/01)
- (i) Proof of insurance in conformance with the City's standard insurance resolution. (3518-12/01)

**13.50.060 Applications--Generally.** Applications for permits shall be filed with the Director no less than ten (10) days prior to the time the work is to be commenced. The Director shall issue such permits if applicant has complied with the provisions of this Chapter, the City standard on insurance requirements, and the work to be performed meets the requirements and conditions contained in the Standards and the Tree Management Program. (3518-12/01)

**13.50.070 Application--Fee.** The City of Huntington Beach will not charge or collect a fee for filing of any permit required in this Chapter. (3518-12/01)

**13.50.080 Surety or cash bond.** Prior to the issuance of any permit, the Director may require the deposit of a surety or cash bond in an amount sufficient to guarantee that the activity or work proposed will be performed in a professional, workmanlike manner and to secure City against all costs, charges and expenses incurred by reason of permittee's failure to abide by the provisions of this Chapter, the requirements contained in the standards of the City, or any federal or state laws appertaining thereto. (3518-12/01)

**13.50.090 Permit--Issuance not warranty.** The issuance of any permit under the provisions of this Chapter shall not be construed as a warranty by City as to the competence of permittee, or that the activity or work proposed to be performed under such permit will be done with safety to the permittee or other persons or property. All such risks shall be assumed by permittee. (3518-12/01)

**13.50.100 Permits--Types of.** The following activities shall require issuance of a permit: planting, spraying and maintenance. (3518-12/01)

**13.50.110 Permits--General contents.** Permits shall contain the address or a description of the exact location where the work is to be performed; a detailed description of the methods to be used and the manner in which such work is to be performed; any conditions which may be attached to the issuance of such permit by the Director and the date on which such permit shall expire. (3518-12/01)

Within five (5) days after the expiration date specified on any permit, unless application has been made for a renewal or amendment of such permit, the Director shall be notified that the work has been completed and ready for inspection. (3518-12/01)

**13.50.120 Permit--Planting.** No person shall plant, replant, relocate or remove any tree from any street, parkway or public place without first complying with Sections 13.50.050 through 13.50.070. In addition to the information required by Section 13.50.120 of this Chapter, such permit shall set out the specific number of trees to be planted and the specific work to be performed in connection therewith. (3518-12/01)

**13.50.130 Permit--Spraying.** No person shall spray any tree on any street, parkway or public place without first complying with Sections 13.50.050 through 13.50.070. In addition to the information required by Section 13.50.120 of this Chapter, such permit shall specify the types of chemicals and commercial sprays which may be used in the work to be performed and require that the performance of all such work shall confirm all state, municipal and federal laws.

(3518-12/01)

**13.50.140 Permit--Maintenance.** No person shall fertilize, preserve or prune any tree on any street, parkway or public place, without first complying with Sections 13.50.050 through 13.50.070. In addition to the information required by Section 13.50.120 of this Chapter, such permit shall state the kinds and number of trees to be fertilized, pruned or otherwise preserved and maintained, and types of materials and equipment, including irrigation systems, to be used in such work. Such permit shall specify that the performance of all maintenance work shall comply with all the standards of the City, and all federal and state laws applicable thereto. (3518-12/01)

**13.50.150 Permits--Approval or denial.** The Director, after investigation of the application and the proposed work to be performed, may grant or refuse to grant a permit. Refusal shall be based upon a finding by the Director that the proposed work does not meet adopted City standards and requirements including this ordinance, the Tree Management Plan, and the Arboricultural Standards. (3518-12/01)

**13.50.160 Appeal.** Within ten (10) days after receipt of an application, the Director shall inform the applicant in writing of his reasons for refusing to issue any permit provided for in this Chapter, and such applicant shall have the right to appeal in writing within thirty (30) days to the City Council. (3518-12/01)

**13.50.170 Council action.** The decision of the Director is appealable to the City Council. Appeal to the City Council from the Director must be made in writing within ten (10) days of the Director's decision. At the first regular meeting following receipt of an appeal, the Council shall consider the matter under the requirements contained in this Chapter, the standards adopted by the City, and pertinent information furnished by the Director and the Public Works Commission. The determination of the City Council to sustain or overrule the decision of the Director shall be final. (3518-12/01)

**13.50.180 Defacing prohibited.** No person shall cut down, pull up, burn, destroy, or remove any tree, plant or shrub in any street or public place. No person shall trim, skin, deface or remove the outer trunk surface or bark of any tree, plant or shrub located in any street or public place to such extent or in such manner as to deface, injure, destroy or endanger the life of any such tree, plant or shrub. No person shall attach any rope, wire, nail, advertising material or any other foreign object to any tree, plant or shrub, or allow any gaseous liquid or solid substance to come into contact therewith which gaseous liquid or other substance is harmful to such tree, plant or shrub. (3518-12/01)

**13.50.190 Certain materials prohibited.** No person shall deposit, place, store or maintain upon any public place in the City any stone, brick, sand, concrete or other material which may obstruct the free passage of water, air and fertilizer to the roots of any tree, plant or shrub growing in such public place without first obtaining written permission from the tree superintendent to do so. (3518-12/01)

**13.50.200 Excavations.**

- (a) No person shall excavate any ditch, tunnel, trench, or lay any driveway within a radius of ten (10) feet from any tree in any street or parkway without first obtaining written permission from the Director to do so. (3518-12/01)

- (b) Any tree on any street or public place near any excavation or construction of any building, structure, or street work, shall be protected with a good substantial enclosure placed a sufficient number of feet, as determined by the Director, from such tree, to guard against any building material, refuse, or other debris from damaging such tree. (3518-12/01)

**13.50.210 Final Inspection.** Upon notice from the permittee that the permitted work has been completed, the Director or his designee shall inspect the work done. Should the completed work fail to meet the standards set forth in this Chapter, the permittee shall have 15 days to correct the work. A civil citation may be issued for failure to complete the work within the 15-day extension period. (3518-12/01)

